

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIA ROSU,

Petitioner,

v.

NATHALIE AHSER, Field Office Director,
Enforcement and Removal Operations,
Immigration and Customs Enforcement,

Respondent.

Case No. C13-152-RSM-BAT

**REPORT AND
RECOMMENDATION**

On January 25, 2013, petitioner, through counsel, submitted to the court for filing a petition for writ of habeas corpus under 28 U.S.C. § 2241 together with a motion for temporary restraining order and preliminary injunction. Petitioner asserts in her federal habeas petition that she is being unlawfully detained by respondent and she requests that this Court issue an order stating that petitioner's civil arrest is unlawful and directing that respondent provide her with an individualized custody/bond hearing before an Immigration Judge. Petitioner requests, in the alternative, that this Court issue an order directing the Immigration Court to provide petitioner with an individualized custody-bond hearing before an Immigration Judge. Petitioner, by way of her motion for temporary restraining order, seeks expedited review of the claims asserted in her federal habeas petition.

1 Rule 65(b)(1) of the Federal Rules of Civil Procedure permits a court to issue a
2 temporary restraining order, without notice to the adverse party, only if “specific facts in an
3 affidavit or verified complaint clearly showed that immediate and irreparable rural injury, loss,
4 or damage will result to the movant before the adverse party may be heard in opposition.”
5 Petitioner fails to meet this standard. Accordingly, this Court recommends that petitioner’s
6 motion for temporary restraining order be denied.¹ A proposed order accompanies this Report
7 and Recommendation.

8 Any objections to this Recommendation must be filed no later than **February 11, 2013**.
9 The matter will be ready for the Court’s consideration on **February 15, 2013**. Objections shall
10 not exceed ten (10) pages. The failure to timely object may affect the right to appeal.

11 DATED this 28th of January, 2013.

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14 BRIAN A. TSUCHIDA
15 United States Magistrate Judge
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23 ¹ A briefing schedule for petitioner’s motion for preliminary injunction will be
established by separate order.